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Letter dated 1 July 2014 from the Permanent Representative of the Plurinational State of Bolivia to the United Nations addressed to the President of the General Assembly

I have the honour to write to you regarding the candidature of the Plurinational State of Bolivia for election to the Human Rights Council for the term 2015-2017, at the elections to be held in 2014.

In accordance with General Assembly resolution 60/251, please find attached a statement of the pledges and voluntary commitments of the Plurinational State of Bolivia (see annex).

I should be grateful if you would distribute the present letter and its annex as a document of the General Assembly, under provisional agenda item 113 (c).

(*Signed*) Sacha **Llorentty Soliz**
Ambassador
Permanent Representative

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Annex to the letter dated 1 July 2014 from the Permanent Representative of the Plurinational State of Bolivia to the United Nations addressed to the President of the General Assembly

Candidature of the Plurinational State of Bolivia for election to the United Nations Human Rights Council for the term 2015-2017

The Plurinational State of Bolivia attaches the greatest importance to international cooperation for the promotion and protection of human rights within the United Nations framework and, in that connection, seeks election as a member of the Human Rights Council for the term 2015-2017.

Bolivia is a founding member of the United Nations and is a party to all international human rights treaties, both regional and universal.

Bolivia was elected by the General Assembly as a member of the Human Rights Council for the term 2007-2010, which was an opportunity to demonstrate its commitment to the effective promotion and protection of human rights.

Bolivia contributed and continues to contribute through its proactive participation in various international forums on the protection of human rights at the international, regional and national levels and has responsibly met its international commitments in this area.

With this experience, our candidature is now submitted for the term 2015-2017. On this occasion we are also committed to prioritizing the consolidation of human rights issues so that the Human Rights Council can continue to strengthen its multilateral leadership.

Promoting human rights on the basis of the Political Constitution of the Plurinational State of Bolivia

The Bolivian people, which is plural and diverse in its composition and inspired by working-class liberation struggles throughout its history, advocated the explicit inclusion of human rights in the text during the Constituent Assembly held from 2006 to 2008.

In January 2009 the text was adopted by a national referendum, so that the Bolivian Government could commit to and promote respect for the exercise of all the human rights explicitly recognized in the new Constitution.

The Constitution is unique in its explicit recognition of all human rights as set forth in international and regional treaties and even extends beyond these rights, with the inclusion of the human right to safe drinking water and sanitation, among others.

The Constitution is based on and validated by concern for the collective well-being, as it objectively addresses the needs of the State in terms of providing for access to and enjoyment of material goods and the effective intellectual and spiritual development of the people by ensuring that basic needs are met in harmony with Mother Earth and in a community of human beings.

The Constituent Assembly was composed of 255 representatives of the various social strata of the Bolivian people, and the rights of all social groups in the country

were recognized in more than 100 articles of the new Constitution, in a gender language that ensures equality for Bolivian women and men.

Developments include the recognition and establishment of basic services as the rights of peoples: safe drinking water, sewerage, electricity, household gas, and postal and telecommunications services. These are established as a responsibility that the State must fulfil to ensure a decent life for the population.

The human rights recognized in the Constitution are being implemented progressively through laws, decrees and public policies. In this context, the Office of the Presidential Representative for the 2025 Bicentennial Patriotic Agenda was created by Supreme Decree No. 1506 (2013) in order to develop the 2025 Patriotic Agenda, together with social organizations and movements. This agenda will establish long-term development strategies in the country based on constitutionalized human rights.

Fulfilment of the mandate of international human rights treaties

On the subject of human rights, the Plurinational State of Bolivia has accepted the monitoring of international human rights treaty bodies. The Bolivian Government regularly submits the country reports required by these treaties to the bodies concerned.

The Bolivian Government will continue to work in coordination with the competent bodies at the national level in order to fulfil commitments made in treaties signed and ratified by Bolivia.

A brief overview of our human rights commitments and actions follows below.

Human right to safe drinking water and sanitation

With the aim of promoting constitutionalized human rights within international forums, the Bolivian Government introduced General Assembly resolution 64/292, which was adopted on 28 July 2010 and in which the human right to safe drinking water and sanitation was recognized explicitly for the first time and safe drinking water and sanitation were affirmed as essential for the enjoyment of all human rights. This resolution called upon States and international organizations to provide financial resources, capacity-building and technology transfer to assist countries, particularly developing countries, in their efforts to provide safe, clean, accessible and affordable drinking water and sanitation for all.

The Plurinational State of Bolivia is committed to supporting the exercise of the human right to water and sanitation in a practical way. Accordingly, while these important rights are promoted at the international level, public policies such as national programmes My Water I and II are being implemented and have facilitated Bolivia's early success in meeting the Millennium Development Goals target related to access to safe drinking water.

Right to live free from racism and all forms of discrimination

Pursuant to the recommendations of the Committee on the Elimination of Racial Discrimination, the Bolivian Government gave impetus to the drafting of the Law against Racism and All Forms of Discrimination, which was adopted on

8 October 2010 after extensive discussions with civil society and the regulations for its implementation, which were adopted on 5 January 2011.

This law and its regulations were highlighted by the Committee as a "substantive foundation for the design of policies to prevent racism and discriminatory behaviour" and as containing "a definition of racial discrimination that is compatible" with the Convention.

Based on this law and the Committee's recommendations, the Policy of the Plurinational State of Bolivia against Racism and All Forms of Discrimination was created, which constituted the Plan of Action 2012-2015.

The importance of this Plan of Action was recognized by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, following his visit to Bolivia in 2012.

For follow-up on national and international commitments in this area, Bolivia established the National Committee against Racism and All Forms of Discrimination, which is chaired by the Deputy Minister for Decolonization (Ministry of Cultures) and in which social, indigenous peoples' and campesino organizations, intercultural communities, Afro-Bolivian people, human rights groups and others take part.

Right to participation and social control

In Bolivia, organized civil society has the constitutionally recognized right to participate in the design of public policies and also to exercise social control at all levels of Government with the aim of making public administration transparent.

Within this framework, Act No. 341 on Participation and Social Control, adopted on 5 February 2013, seeks "to strengthen participatory, representative and community-based democracy, based on the principle of popular sovereignty, as well as to build and strengthen the forms of participation and social control of the social sectors and/or organized unions, neighbourhood boards, indigenous and aboriginal farming nations and peoples, intercultural and Afro-Bolivian communities in the formulation, follow up on the implementation and evaluation of public policies of the State, in accordance with one's own organization and in conformity with one's rules, procedures and forms of management."

The broad social participation established in Bolivia reflects the principle of governing by obeying the people, according to which the governor gives power to the governed so that they can participate in the development of public policies designed to achieve the common good.

Women's rights

Bolivia is a party to all international and regional treaties on women's rights. In this context, gender-sensitive language was used in the Constitution and since then, any law, public policy or other national legislation incorporates this gender-sensitive language, which ensures that women are fully visible in the public arena.

The Constitution also guarantees that participation in public life will be fair and equal for men and women (Art. 26), and that the criteria of alternation and parity are observed for any election to be held (Art. 11).

The Bolivian Government implements legislation and programmes that guarantee and consolidate women's rights. A few examples follow:

- **Comprehensive Act to Guarantee Women a Life Free of Violence**, which establishes mechanisms, measures and comprehensive policies for prevention, care, protection and redress for women in situations of violence, as well as prosecution and punishment for perpetrators, in order to guarantee women a decent life in which they can fully exercise their right to live well (2013). This Act has criminalized femicide in the Bolivian Penal Code, imposing the maximum prison sentence (30 years), without possibility of remission, on those who commit this crime. This Act has also created specialized courts to deal exclusively with these offenses. (2013)

- **Political Harassment and Violence against Women Act**, which establishes mechanisms to prevent, address and punish individual or collective acts of political harassment and/or violence against women, in order to ensure that women can fully exercise their political rights. (2012)

- **Comprehensive Anti-Trafficking in Persons Act**, designed to combat trafficking in women and girls in particular, safeguards the fundamental rights of victims by strengthening prevention, protection and care measures and mechanisms, as well as criminal prosecution and penalties for offenders. (2012)

- **Framework Act on Autonomous Entities and Decentralization**, in which multi-year programmes and budgets, operational programmes and annual budgets must include policies, programmes and projects with investments in social and gender equity, thus guaranteeing a real budget that will meet the differentiated needs and demands of both men and women. (2010)

- **Pensions Act**, which provides the necessary mechanisms to close the equality gaps between men and women with regard to the long-term benefits provided in the Social Security system. (2010)

- **Avelino Siñani-Elizardo Pérez Education Act**, which is based on the values of unity, equality, inclusion, dignity, liberty, solidarity, reciprocity, respect, complementarity, harmony, transparency, balance, equal opportunity, social and gender equity in participation, the common well-being, responsibility, social justice and the distribution and redistribution of social goods for the purpose of living well. (2010)

- **National Equal Opportunity Plan: Women Building a New Bolivia for Living Well**, developed jointly by the Government and women's organizations from all over the country in order to identify problems affecting women and to design a long-term strategy to overcome them. (2008)

Rights of indigenous peoples

The United Nations Declaration on the Rights of Indigenous Peoples has been fully integrated into the Constitution of the Plurinational State of Bolivia in chapter four, article 30.

In this context, Bolivia is mainstreaming the implementation of the rights of indigenous peoples across all State institutions. The following are a few examples:

– **Act on Free, Prior and Informed Consultation**, for the indigenous peoples in the Isiboro Sécure National Park and Indigenous Territory. This law establishes the process and procedures for consultations. (2012)

Free, prior and informed consultations were successfully completed with the Moxeño-Trinitario, Yuracaré and Chimane peoples in the Territory. This is the first instance in the world of extensive consultations with indigenous peoples. For the first time, more than 60 men and women visited the 1,091,656 hectares that host the Territory's 69 communities.

The experience gained in the consultation process, from the preparations for the consultations to their dissemination, enrichment and approval by the indigenous communities of the three peoples consulted, has been extremely valuable, as it resulted in an unprecedented dialogue both within and between cultures.

The same can be said of the set-up and implementation phase, as well as of the results obtained in each community. The success of this exercise of intercultural democracy was confirmed after careful consideration of the State-provided information, which met all the criteria established in the constitutional framework consisting of the Constitution, international treaties and/or conventions and relevant laws.

Through the consultation process, a number of agreements (mandates) with the executive and legislative branches were negotiated through dialogue, thereby strengthening Bolivian democracy with the participation of indigenous peoples in decision-making.

– **Avelino Siñani-Elizardo Pérez Education Act**, which states that every person has the right to receive all levels of education, and that education is universal, productive, free of charge, comprehensive and intercultural, without discrimination. This act is based on the cultural and linguistic diversity that is considered both the strength and potential of the Plurinational State. (2010)

– **Supreme Decree No. 1313 to regulate the operation of the Plurinational Institute of Languages and Cultures**, established under the Education Act. The Institute supports and develops the cultural and linguistic diversity of indigenous peoples within the framework of living well. (2012)

– **Supreme decree that established the Social and Solidarity Housing Programme**, which is the responsibility of the Ministry of Public Works, Services and Housing. Between 2006 and 2013, the national Government invested more than 1.4 billion bolivianos in the construction of 53,150 social housing units built according to the traditions and customs of the country's various regions. More than 50,000 free or subsidized units have already been provided.

– **Act establishing the Bolivian Institute for Traditional Kallawaya Medicine**, which provides training for the country's indigenous doctors in order to preserve traditional medicine.

– **Act on the Communitarian Agricultural Production Revolution**, which regulates the process of ensuring food sovereignty, establishing the institutional foundations, policies, and technical, technological and financial mechanisms for the production, processing and marketing of agricultural and

forest products by the various actors in the plural economy. It gives priority to organic production in harmony and balance with the bounties of Mother Earth. (2011)

- **Programme for food production and forest restoration**, which has a coordination unit in the Ministry of Rural Development and Land. The goal of this programme is to reforest more than 7,000 hectares and to produce food in an area of more than 60,187 hectares in various municipalities in the country.

Our voluntary commitments for membership in the Human Rights Council:

- ✓ Advocate respect for and protection and enjoyment of all human rights, both civil and political as well as economic, social and cultural, in accordance with the principles of universality, interdependence and indivisibility.
- ✓ Foster a culture of dialogue to resolve any difficulties that may arise from the efforts to uphold human rights.
- ✓ Strengthen multilateralism as the most effective diplomatic tool to promote and defend human rights.
- ✓ Encourage the participation of civil society and indigenous peoples in the decision-making process of the Human Rights Council.
- ✓ Promote recognition of the rights of indigenous peoples within the framework of the instruments and resolutions adopted by the United Nations.
- ✓ Continue to encourage efforts to combat racism and all forms of discrimination at the international, regional and national levels.
- ✓ Maintain an open dialogue and mutual cooperation with the Office of the United Nations High Commissioner for Human Rights.
- ✓ Continue to promote food security as a comprehensive social protection system to contribute to the exercise of the right to food.
- ✓ Participate actively in the universal periodic review in order to further strengthen this important mechanism created by the Human Rights Council.